

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HALEY BERRYMAN et al.,

Plaintiffs,

-v-

READING INTERNATIONAL, INC.

Defendant.

24 Civ. 750 (PAE)

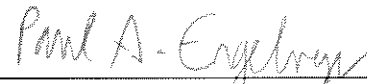
ORDER

PAUL A. ENGELMAYER, District Judge:

On October 15, 2024, plaintiff Haley Berryman (“Berryman”), on behalf of herself and others similarly situated, filed a letter notifying the Court of the Second Circuit’s decision that day in *Salazar v. Nat’l Basketball Ass’n*, No. 23 Civ. 1147, 2024 WL 4487971 (2d Cir. Oct. 15, 2024). *See* Dkt. 26. The decision in *Salazar* appears to undermine the motion to dismiss and/or to strike by defendant Reading International, Inc. (“Reading”) directed at Berryman’s claim under the Video Privacy Protection Act (“VPPA”). It is not clear to the Court whether Reading, in light of *Salazar*, will continue to take the position that the VPPA claim does not state a claim. The Court thereby directs the parties to make supplemental letter submissions on the motion to dismiss the VPPA claim in light of *Salazar*.

Reading’s letter is due November 1, 2024, and shall state whether Reading continues to move to dismiss the VPPA claim, and if so, explain why that motion is compatible with *Salazar*. In the event that Reading continues to move against the VPPA claim, Berryman’s opposition is due November 15, 2024. Any reply is due November 22, 2024. For avoidance of doubt, the parties’ letter submissions are not to address Berryman’s claim under the New York Arts and Cultural Affairs Law.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", written in dark ink.

PAUL A. ENGELMAYER
United States District Judge

Dated: October 18, 2024